

<b>FISCAL NOTE</b>
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**Bill #:** HB0042

**Title:** Revise first offense DUI penalty

**Primary**

**Sponsor:** Robert Pavlovich

**Status:** As introduced

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Sponsor signature	Date	Dave Lewis, Budget Director	Date
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**Fiscal Summary**

	<b><u>FY2000 Difference</u></b>	<b><u>FY2001 Difference</u></b>
<b>Expenditures:</b>		
General Fund	\$19,536	\$20,547
<b>Revenue:</b>	\$0	\$0
<b>Net Impact on General Fund Balance:</b>	<b>(\$19,536)</b>	<b>(\$20,547)</b>

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<b><u>Yes</u></b>	<b><u>No</u></b>		<b><u>Yes</u></b>	<b><u>No</u></b>	
	X	Significant Local Gov. Impact		X	Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts

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**Fiscal Analysis**

ASSUMPTIONS:

**Department of Justice (DOJ)**

1. In calendar year 1997, the Motor Vehicle Division processed 4,170 DUI/BAC 1<sup>st</sup> offense actions and 1,397 2<sup>nd</sup> and subsequent DUI/BAC offense actions. (DUI – driving under the influence. BAC – blood alcohol content.) If this bill is passed as written, no change is anticipated in the total number of alcohol-related citations issued or the number of DUI/BAC driver improvement actions processed annually. Passage of this bill would result in a workload shift from the 2<sup>nd</sup> and subsequent offense level to the first offense level.
2. It is estimated that 30% of the annual DUI and BAC convictions resulting in driver improvement actions are for drivers less than 24 years old. During calendar year 1997, 25% of the DUI/BAC driver

improvement actions processed were for repeat offenses. It is estimated that each year approximately 4,100 DUI/BAC records will be expunged from driver records if this bill is passed.  
 $5,567 \text{ DUI/BAC actions} \times 30\% = 1,670 \times 75\% = 1,253$  records expunged for drivers less than age 24  
 $5,567 \text{ DUI/BAC actions} \times 70\% = 3,897 \times 75\% = 2,923$  records expunged for drivers 24 or older, resulting in an estimated annual total of 4,176 record expungements. ( $1,253 + 2,923 = 4,176$ )

3. An FTE can process 4,000 record expungement transactions per year, and about 4,100 driver record expungements per year will result from passage of this bill; therefore 1.00 FTE is required. ( $1.00 \text{ FTE} \times .75\text{yr} = 0.75 \text{ FTE}$  in FY 2000 due to effective date of the bill; 1.00 FTE in FY 2001)
4. It will be necessary to contract for programming with an outside vendor since programming staff is committed to complying with Y2K needs. The contract for programming will increase operating expenses and is estimated at \$1,200 in FY 2000. ( $16 \text{ hours} \times \$75/\text{hour} = \$1,200$ )
5. Increased annual operating expenses (including network attachment, mainframe computer processing costs, and supplies) are estimated at \$1,276. (FY 2000 =  $\$1,276 \times .75 = \$958$ ; FY 2001 = \$1,276) Additional one time operating costs (new employee office package, new PC, and new mainframe connection) are estimated at \$ 2,925 for FY 2000.
6. The driver license reinstatement fee is not affected by passage of this bill; therefore, there will be no impact on state general fund revenues.
7. No statistics are available to estimate the impact on local governments and courts that will be created by the increase in the number of 1<sup>st</sup> offense DUI/BAC citations and the reduction in the number of 2<sup>nd</sup> and subsequent offenses if this bill is passed.

**Department of Correction (DOC)**

8. Data regarding first, second, and third DUI offense dates was unavailable from the DOJ which is needed to determine the number of offenders impacted by this bill.
9. This bill will decrease the number of applicable offenses in calculating a 4<sup>th</sup> DUI and there will be some reduction in the population committed to DOC. This number cannot be estimated.

FISCAL IMPACT:

	<u>FY2000</u> <u>Difference</u>	<u>FY2001</u> <u>Difference</u>
FTE	0.75	1.00

Expenditures:

Personal Services	\$14,453	\$19,271
Operating Expenses	<u>5,083</u>	<u>1,276</u>
TOTAL	\$19,536	\$20,547

Funding:

General Fund (01)	<u>\$19,536</u>	<u>\$20,547</u>
TOTAL	\$19,536	\$20,547

Net Impact to Fund Balance (Revenue minus Expenditure):

General Fund (01)	(\$19,536)	(\$20,547)
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